

## **I. GENERAL PROVISIONS**

### **A. Title**

These regulations shall be known and cited as "The Lewis and Clark County Subdivision Regulations," hereinafter referred to as "these regulations."

### **B. Authority**

Authorization for these subdivision regulations is contained in the Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA).

### **C. Purpose**

These regulations provide criteria and procedures to govern the review of subdivision applications in Lewis and Clark County. These regulations are intended to comply with the provisions of the Montana Subdivision and Platting Act. In the event any of these regulations conflict with the specific requirements of the Montana Subdivision and Platting Act, the governing body shall follow the requirements of the Act, rather than the conflicting provisions in these regulations.

Land use regulations are the primary way to carry out the Growth Policy. Lewis and Clark County regulates land development and construction through a variety of technical standards resulting in permits and approvals for specific projects. To ensure County regulations are effective and warrant a high degree of public trust and confidence, regulations must be equitable, reasonable, easy to understand, and responsibly administered.

The purposes of these regulations are to promote the public health, safety, and general welfare and to provide for:

1. The orderly development of the jurisdictional area;
2. The coordination of roads within subdivided land with other roads, both existing and planned;
3. The dedication of county road easements and public utility easements;
4. Provision of standard physical and legal road access to all lots in a subdivision, including obtaining of necessary easements;

5. The avoidance or minimization of congestion in the streets and the improvement of roads to county road standards;
6. The provision of adequate open spaces for light, air, parks, and recreation;
7. The provision of adequate transportation, potable water, drainage, and sanitary facilities;
8. The protection and rights of all citizens;
9. The avoidance of subdivisions that would involve unnecessary environmental degradation;
10. The avoidance of subdivisions that would cause danger or injury to public health, safety and general welfare by reason of natural hazard, or the lack of adequate or sufficient water, sanitation, drainage, standard access, transportation, utilities, or other public services;
11. The avoidance of subdivisions that would require an excessive expenditure of public funds for the supply of public services;
12. The manner and form of preparing and filing any plat or certificate of survey for subdivided lands;
13. The promotion of cluster development approaches that minimize costs to local citizens, and promote effective and efficient provision of public services; and
14. The administration of these regulations by defining the powers and duties of approving authorities including procedures for the review and approval of all proposed plats and site plans of subdivisions covered by these provisions.

The Lewis and Clark County regulations section of the Implementation Strategy of the Lewis and Clark County Growth Policy states that Lewis and Clark County's regulation of land use should:

- a. Help protect public health, safety, and general welfare;
- b. Help protect consumers from fraudulent practices in land use, land sales and development;

- c. Implement and be consistent with the Growth Policy and other adopted land use goals, policies and plans;
- d. Be expeditious, predictable, clear, straightforward, and internally consistent;
- e. Provide clear direction for timely resolution of regulatory conflict;
- f. Be enforceable, efficiently administered, and provide appropriate incentives and penalties;
- g. Be consistently and effectively enforced;
- h. Create public and private benefits in an economically efficient and equitable manner;
- i. Be coordinated with timely provision of necessary public facilities and services;
- j. Encourage creativity and diversity in meeting County goals and policies;
- k. Be coordinated with cities, special purpose districts, and other public agencies to promote compatible development standards throughout Lewis and Clark County;
- l. Be responsive, understandable, and accessible to the public;
- m. Provide effective and statutorily required public notice and pertinent documents for major and minor subdivisions before each public hearing or meeting. Provide reasonable opportunities for the public (especially those directly affected) to be heard and to influence decisions;
- n. Treat all members of the public equally and base regulatory decisions wholly on applicable criteria and code requirements; and
- o. Make development requirements readily accessible and easy to understand to the public through up-to-date codes, technical assistance materials and other relevant documents.

## **D. Jurisdiction and Applicability**

These regulations govern the subdivision of land within the jurisdictional area of the governing body of Lewis and Clark County.

Under Montana law, land in Lewis and Clark County may not be subdivided without first being reviewed and approved by the governing body. Land use/development that constitutes “subdivision” is defined in Appendix A of these regulations.

If a proposed subdivision lies within one mile of a third class city or town or within two miles of a second class city or within three miles of a first class city, the County governing body must submit the subdivision application and preliminary plat to the city or town governing body or its designated agent for review and comment. If the proposed subdivision is situated within a rural school district, as described in Section 20-9-615, MCA, the governing body shall provide a summary of the information contained in the subdivision application and preliminary plat to school district trustees. If a proposed subdivision lies partly within an incorporated city or town, or partly within an adjacent County, the subdivision application and preliminary plat must be submitted to and approved by both the city or town and the county governing bodies. When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality shall coordinate the subdivision review and annexation procedures to minimize duplication of hearings, reports, and other requirements whenever possible. Helena is a first class city; East Helena is a third class city.

If a proposed subdivision is located in a rural school district, the governing body shall provide a summary of the information contained in the subdivision application and preliminary plat to school district trustees.

These regulations supplement all other regulations, and where they are at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements shall apply.

## **E. Severability**

Where any word, phrase, clause, sentence, paragraph, section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid.